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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/871,417 | 05/31/2001 | Eliot M. Case | 1811 USW 0610 PUSP | 9277 |

22193 7590 07/26/2005

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EXAMINER

HAROLD, JEFFEREY F

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2646

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,417

Applicant(s)

CASE ET AL.

Examiner

Jefferey F. Harold

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-16** are rejected under 35 U.S.C. 102(e) as being anticipated by Simard et al. (United States Patent Application Publication 2002/0085697), hereinafter referenced as Simard.

Regarding **claim 1**, Simard discloses an apparatus and method for packet-based media communications. In addition, Simard discloses a plurality of audio data input ports for receiving audio input data from the computer; a mixer having a plurality of inputs in communication with the plurality of audio data input ports, and having an output, the plurality of mixer inputs receiving the audio input data and the mixer, in real-time, generating a mixed audio output data signal at the mixer output; and a converter having an input receiving the mixed audio output data signal, and having an output for connecting to a phone line to generate and provide mixed audio output to the phone line based on the audio input data received at the plurality of audio data input ports, as disclosed at paragraph [0041] through paragraph [0050] and exhibited in figures 1-4.

Regarding **claim 2**, Simard discloses everything claimed as applied above (see claim 1), in addition Simard discloses wherein the converter further comprises: a digital to analog converter, as disclosed at paragraph [0051] and exhibited in figure 5.

Regarding **claim 3**, Simard discloses everything claimed as applied above (see claim 1), in addition Simard discloses a format converter, as disclosed at paragraph [0052] – [0053]

Regarding **claim 4**, Simard discloses everything claimed as applied above (see claim 1), in addition Simard discloses wherein the plurality of audio data input ports further comprises: a plurality of buffered audio data input ports, as disclosed at paragraph [0046] and exhibited in figure 4.

Regarding **claim 5**, Simard discloses everything claimed as applied above (see claim 4), in addition, Simard discloses a switch configured to receive the audio input data from the computer and to distribute the data to the plurality of audio data input ports and disclosed at paragraph [0047] and exhibited in figure 4.

Regarding **claims 6-16**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-5.

Response to Arguments

2. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Citation of pertinent Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Botzko et al. (United States Patent 6,141,597) Audio processor;

Ahuja et al. (United States Patent Application Publication 2002/0057779) multi-line telephone including interacting call appearances.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

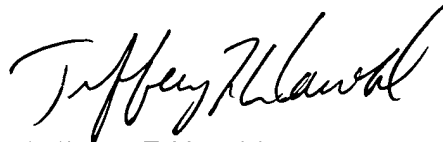
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2646

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH
July 22, 2005



Jefferey F Harold
Primary Examiner
Art Unit 2646